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November 25, 2020

VIA ECF

Honorable Peter G. Sheridan, U.S.D.J.
U.S. District Court, District of New Jersey
Clarkson S. Fisher Fed. Bldg. & U.S. Courthouse
402 East State Street
Trenton NJ 08608

Re: *In re Lipitor Antitrust Litigation*
Civil Action No: 12cv2389

Dear Judge Sheridan:

I write on behalf of the End-Payor Plaintiffs in response to the Reply Memorandum in Support of Sandra Hellgren's and Anita J. Cox's Motion for Reconsideration ("Reply"), seeking to improperly strike the End-Payors' opposition as untimely [Dkt. 1009].

As an initial matter, End-Payor Plaintiffs note, and the Reply acknowledges, that the "movant is not entitled to a reply on a motion for reconsideration" under the applicable local rules. Reply at 1. Yet, the movants attempt to use their improperly filed Reply to seek relief that they are likewise not entitled to – the striking of the End-Payor Plaintiffs' Opposition to Sandra Hellgren's and Anita J. Cox's Motion for Reconsideration. The request should be denied on this basis alone.

To the extent the Court entertains the relief sought, End-Payor Plaintiffs' respectfully submit that the request should be denied. End-Payor Plaintiffs inadvertently mis-calendared the new opposition date, requested in the L. Civ. R. 7.1(d)(5) Letter by conflating the new return date for the motion with the opposition date. End-Payor Plaintiffs' respectfully request that the Court accept their opposition as if it had been timely filed. The California Consumer plaintiffs claim that the opposition was filed on the date of the hearing. This is incorrect as a hearing on their motion has not yet been scheduled.

Hellgren and Cox moved to strike the brief of end-payors as being filed late. That motion or application is denied. (ELF 1009).
End-payors move to strike the reply brief of Hellgren and Cox. That application is denied. (ELF 1012).
If other relief is requested the parties may seek same.
SO ORDERED: *Peter M. Minichino*
DATED: *11/30/2020*

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Honorable Peter G. Sheridan, U.S.D.J.
November 25, 2020
Page 2

They do not claim that there has been any prejudice to them caused by the delayed filing. They cannot. There has been no prejudice. End-Payor Plaintiffs' respectfully submit that the movants attempt to use the opposition filing date as an end-run around the reply rules should not be sanctioned.

Respectfully,

/s/ Lisa J. Rodriguez
For SCHNADER HARRISON SEGAL & LEWIS LLP

LJR/mpw